

FILED

FEB 22 2024

U.S. DISTRICT COURT
EVANSVILLE, INDIANA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARQUEL DIONATE PAYNE,)
)
Defendant.)

Cause No. 3:24-cr- 9-RW-CSW

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this indictment:

1. Under United States law a "machinegun" is any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.
2. Under United States law the term "machinegun" also includes any part designed and intended solely and exclusively for use in converting a weapon into a machinegun.
3. Glock is a brand of polymer-framed semi-automatic pistols designed and produced by the Austrian manufacturer Glock. A "Glock switch" is a small device that, when properly installed on a semiautomatic Glock pistol, and other similarly designed semiautomatic pistols, will convert said firearm to a fully automatic machinegun. Installation of these devices is fast, simple, and requires no technical expertise. It is completed by removing the polymer slide cover plate on a Glock or a similarly designed semi-automatic pistol and replacing it with the conversion device. These devices are referred to by different names, including, but not

limited to, switches, auto sears, convertors, conversion switches, selector switches, conversion devices, fun switches, invisa-switches, and Fire Selector Systems for Glock.

4. A Glock switch, whether or not it is installed in a firearm, is a machinegun under federal law as it is a part designed and intended solely and exclusively for use in converting a weapon into a machinegun. An “auto sear” is a small metal or plastic part designed and intended solely and exclusively for use in converting certain types of semiautomatic weapons, including long guns, into machineguns. An auto sear, whether or not it is installed in a firearm, is a machinegun under federal law as it is a part designed and intended solely and exclusively for use in converting a weapon into a machinegun.

5. Plastic Glock switches, auto sears, and other conversion devices can be produced using 3D printing technology.

COUNT 1
18 U.S.C. § 922(g)(1)
Possession of a Firearm by a Convicted Felon

On or about January 31, 2024, within the Southern District of Indiana, MARQUEL DIONATE PAYNE, the defendant herein, did knowingly possess in commerce and affecting commerce a firearm, to wit: a 9mm semi-automatic pistol made with a 3D printed plastic hand grip and a barrel and other metal parts manufactured outside of Indiana bearing no serial number, after knowingly having been convicted of one or more crimes punishable by a term of imprisonment exceeding one (1) year, including:

On or about December 10, 2018, PAYNE was convicted of Level 6 Felony Escape – Knowingly or Intentionally Violating Home Detention. This took place in the Vanderburgh County, Indiana, Circuit Court under cause number 82C01-1806-F6-004415.

On or about December 15, 2016, PAYNE was convicted of Level 5 Felony Carrying a Handgun without a License with Defendant Having a Prior Conviction for Carrying without a License. This took place in the Vanderburgh County, Indiana, Circuit Court under cause number 82C01-1510-F5-006689.

On or about December 15, 2016, PAYNE was convicted of a D Felony Criminal Recklessness while Armed with a Deadly Weapon. This took place in the Vanderburgh County, Indiana, Circuit Court under cause number 82C01-1408-FC-00973.

All of which is in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 2
Possession of a Machinegun
18 U.S.C. § 922(o)

On or about January 31, 2024, in the Southern District of Indiana, MARQUEL DIONATE PAYNE, the defendant herein, did knowingly possess one or more machineguns, that is, a part designed and intended solely and exclusively for use in converting a weapon into a machinegun, to wit: approximately sixty (60) Glock switches and other conversion devices produced using a 3D printer.

All of which is in violation of Title 18, United States Code, Section 922(o).

FORFEITURE

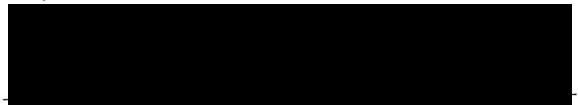
1. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby gives the defendant notice that the United States will seek forfeiture of property, criminally and/or civilly, pursuant to Title 18, United States Code, Sections 924(d) and Title 28, United States Code, Section 2461(c), as part of any sentence imposed.

2. Pursuant to Title 18, United States Code, Section 924(d), if convicted of any offense set forth in this Indictment, the defendant shall forfeit to the United States "any firearm or ammunition involved in or used in" the offense.

3. The property subject to forfeiture includes, but is not necessarily limited to, the following:

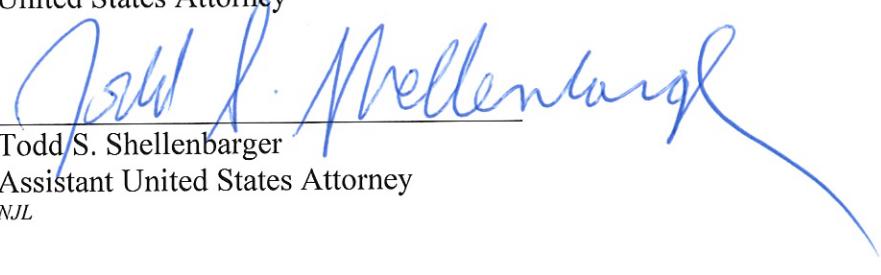
- A. All plastic Glock switches and other conversion devices produced using a 3D printer seized on January 31, 2024.
- B. All firearms and firearm parts seized on January 31, 2024; and
- C. All ammunition seized on January 31, 2024.

A TRUE BILL:


FOREPERSON

ZACHARY A. MYERS
United States Attorney

By:


Todd S. Shellenbarger
Assistant United States Attorney
NJL